

# Town of Jackson, NH

Zoning Board of Adjustment

## Notice of Decision

30 Frances Avenue

Case 2019-03: Application for a Variance to allow razing of an existing structure, and construction of a new structure in its place. The proposed work is located on the property owned and occupied by Patrick and Connie DeBoever (The Applicant). The property is shown on Map R 18; Lot 44.

### Background

- 1) The Applicant are the owners of the above-referenced parcel which has an existing structure. Approximately thirty per cent of this existing building house is within the side set-back of the property.
- 2) The Applicant plans to demolish the existing structure and construct a new building similar in nature to the existing. As a part of the new construction the Applicant plans to add a new deck providing easier access. The location of the new structure will not increase any non-conformance of the Zoning Code.

### Submittals in Record

- 1) Letter from the Building Inspector of the Town of Jackson; denying the building permit based on non-conformance to the Jackson Zoning Ordinance.
- 2) Filing from the Applicant, requesting a variance to the above Section.
- 3) Construction Documents, including a proposed site plan.
- 4) Asbestos Survey Report produced by Desmarais Environmental.
- 5) A list of abutters.

### Public Testimony

- 1) The Applicant described the reason for, and nature of the proposed construction.
- 2) No abutters were present.

### Findings

- 1) The Board finds that the grant of the variance would not be contrary to the Public Interest - given that the proposed work amounts to environmental and cosmetic site improvements benefitting the community.
- 2) The Board finds that the Spirit of Ordinance would be observed given that the footprint of the proposed construction is similar in area to the existing and does not increase any issues of non-

conformance.

- 3) The Board finds that the benefit to the applicant in replacing the existing structure would constitute Substantial Justice and would not be outweighed by any harm to the general public or other individuals.
- 4) The Board finds that the new construction will not diminish the value of surrounding properties, as it is an improvement environmentally and architecturally, and is similar in size and scope to structures on abutting properties and in the neighborhood.
- 5) The Board finds that literal enforcement of the zoning ordinance would result in an unnecessary hardship, given the existing structure is of aged construction and has environmental and safety issues.

#### Decision

Given the findings cited above, by a unanimous vote in favor, the Board of Adjustment grants the requested variance from Section 4.3.1.2 to permit the demolition and construction of the above-referenced structure.

This decision may, for 30 days, be subject to a motion for a re-hearing from any party of interest or the Selectmen. It should not be considered final until lapse of that period.

Copies of this decision will be provided to the Applicant, the Planning Board, Board of Selectmen, Town Clerk, Assessor, and Building Inspector. Pursuant to 674:33-I-a, this variance shall be invalid if not exercised within 2 years of the date of final approval.

Jackson Zoning Board of Adjustment  
James B. Gleason, Chairman